

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES,

Plaintiffs,

-against-

MICHAEL LATIMER,

Defendant.

20 CR 202 (LAP)

23 CV 956 (LAP)

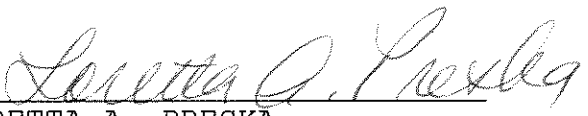
LORETTA A. PRESKA, Senior United States District Judge:

On February 3, 2023, Mr. Latimer filed a motion characterized as a motion to vacate, set aside, or correct his sentence pursuant to 22 U.S.C. § 2255. (Dkt. no. 117.) On March 16, 2023, the Court ordered Mr. Latimer to show cause by March 30, 2023 why the civil action at civil case number 23 CV 956 should not be closed and the application at Docket Number 117 in criminal case number 20 CR 202 treated as a motion for compassionate release under 18 U.S.C. § 3582 and not as a habeas motion pursuant to 22 U.S.C. § 2255. (Dkt. no. 118.) On March 30, 2023, Mr. Latimer responded and agreed that his motion should be treated as a motion for compassionate release and not as a habeas motion pursuant to 22 U.S.C. § 2255 and that the civil action should be closed. (Civil Case No. 23 CV 956, dkt. no. 3.) Therefore, the Court construes Mr. Latimer's application at Docket Number 117 in criminal case number 20 CR 202 as a motion for compassionate release under 18 U.S.C. § 3582

and not as a habeas motion pursuant to 22 U.S.C. § 2255. The Government shall respond to Mr. Latimer's motion as one for compassionate release and shall do so by June 2, 2023. Mr. Latimer shall file his reply, if any, by June 23, 2023. The Clerk of the Court is directed to mark civil case number 23 CV 956 as closed.

SO ORDERED.

Dated: New York, New York
May 11, 2023


LORETTA A. PRESKA
Senior United States District Judge